

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicants: | Annaliesa S. Anderson <i>et al.</i> | Examiner: S. Devi |
| Application No.: | 10/564,458 | Confirmation No.: 7338 |
| Filed: | January 12, 2006 | Art Unit: 1645 |
| For: | POLYPEPTIDES FOR INDUCING A PROTECTIVE IMMUNE RESPONSE AGAINST STAPHYLOCOCCUS AUREUS | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

(a) Pursuant to the duty of disclosure under 37 C.F.R. § 1.56, it is requested that the documents listed on the accompanying forms PTO/SB/08a and PTO/SB/08b be considered and made of record in the above-identified patent application. Copies of each cited U.S. patent and published patent application are not enclosed herewith, pursuant to 37 C.F.R. § 1.98(a)(2)(ii).

(b) Pursuant to 37 C.F.R. § 1.98(d), copies of references listed on the accompanying forms PTO/SB/08a and PTO/SB/08b that were submitted to or cited by the Office in earlier filed applications upon which the instant application relies on for an earlier effective filing date under 35 U.S.C. § 120 are not enclosed. The earlier filed applications in which references were submitted to or cited the Office are as follows:

| Earlier Filed Applications | | |
|----------------------------|-------------|---------------------|
| U.S. Application No. | Filing Date | Attorney Docket No. |
| | | |

Copies of these documents are not herewith transmitted, but will be provided upon request.

(c) In accordance with 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined under 37 C.F.R. § 1.56(b). In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made.

(d) Applicant(s) respectfully requests that the Examiner initial the attached forms PTO/SB/08a and PTO/SB/08b after reviewing the pertinence of each reference.

- (e) ☐ No fee is believed due because:
- ☐ This Information Disclosure Statement is being submitted within three (3) months of the filing date of the above-identified application; **or**
 - ☐ This Information Disclosure Statement is being submitted within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; **or**
 - ☐ This Information Disclosure Statement is being submitted before the mailing of a first Office Action on the merits; **or**
 - ☐ This Information Disclosure Statement is being submitted before the mailing of a first Office Action after the filing of a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114.
- (f) ☒ This Information Disclosure Statement is being submitted before the mailing date of any final action, notice of allowance or an action that otherwise closes prosecution; and
- ☐ Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement, and no fee is due; **or**
 - ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement, and no fee is due; **or**
 - ☒ The Commissioner is hereby authorized to charge the fee set forth in C.F.R. § 1.17(p).
- (g) ☐ This Information Disclosure Statement is being submitted after the period specified in (f) and on or before the payment of the issue fee; and
- ☐ Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; **or**
 - ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

(h) ☐ In accordance with 37 C.F.R. § 1.704(d), each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application, and this communication was not received by any individual designated in § 1.56(c) more than 30 days prior to the filing of this information disclosure statement.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-2755.

Respectfully submitted,

Date: October 13, 2011
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